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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,753	03/16/2004	Hideaki Takahashi	118333	1184
25944	7590	09/07/2007		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER GAUTHIER, GERALD	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 09/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/800,753		TAKAHASHI, HIDEAKI	
	Examiner		Art Unit	
	Gerald Gauthier		2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 42-50 is/are allowed.
- 6) ☒ Claim(s) 1-41, 51 and 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/27/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claim(s) 1-52** are rejected under 35 U.S.C. 102(b) as being anticipated by Sakata et al (US 5,442,685).

Regarding **claim(s) 1**, Sakata discloses a telephone terminal having a function of telephone communication (column 1, lines 46-58), comprising:

a communication recording unit that records the telephone communication as communication data (column 8, lines 38-60);

an interruption controller that controls the communication recording unit to interrupt and to restart recording the telephone communication, the communication recording unit indexing a position, in the communication data, corresponding to the interruption of recording (column 10, lines 28-50); and

a replaying unit that replays the telephone communication as recorded based on the communication data, the replaying unit notifying that the recording was interrupted at the indexed position (column 9, lines 54-65).

Regarding **claim(s) 2 and 35**, Sakata discloses a telephone terminal, wherein the interruption controller controls the communication recording unit to stop recording when a first condition is satisfied, and wherein the interruption controller controls the communication recording unit to restart recording when a second condition is satisfied (column 10, lines 4-22).

Regarding **claim(s) 3 and 36**, Sakata discloses a telephone terminal, wherein the first condition is that a user operates the telephone terminal to switch a person subjected to the telephone communication from a first person to a second person according to a call-waiting function when the telephone communication with the first person is being recorded (column 10, lines 28-50).

Regarding **claim(s) 4 and 37**, Sakata discloses a telephone terminal, wherein the second condition is that the user operates the telephone terminal to switch a person subjected to the telephone communication from the second person to the first person when the telephone communication with the first person is being interrupted (column 10, lines 4-22).

Regarding **claim(s) 5 and 38**, Sakata discloses a telephone terminal, an execution of a predetermined operation when the telephone communication is being recorded satisfies the first condition (column 10, lines 28-50).

Regarding **claim(s) 6 and 39**, Sakata discloses a telephone terminal, wherein the predetermined operation includes an operation of a predetermined operable member provided to the telephone terminal (column 10, lines 28-50).

Regarding **claim(s) 7 and 40**, Sakata discloses a telephone terminal, wherein an operation of the predetermined operable member when the recording of the telephone communication is being interrupted satisfies the second condition (column 10, lines 28-50).

Regarding **claim(s) 8 and 41**, Sakata discloses a telephone terminal, wherein the predetermined operation is an operation to hold the telephone communication (column 9, lines 33-53).

Regarding **claim(s) 9**, Sakata discloses a telephone terminal, wherein the operation to release the holding condition of the telephone communication satisfies the second condition (column 10, lines 28-50).

Regarding **claim(s) 10**, Sakata discloses a telephone terminal, an execution of a predetermined operation when the telephone communication is being interrupted satisfies the second condition (column 10, lines 28-50).

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Regarding **claim(s) 11**, Sakata discloses a telephone terminal, wherein the predetermined operation includes an operation of a predetermined operable member provided to the telephone terminal (column 10, lines 4-22).

Regarding **claim(s) 12**, Sakata discloses a telephone terminal, wherein the interruption controller is capable of controlling the communication recording unit to interrupt and restart the recording of the telephone communication plurality of times during one telephone call, the communication recording unit indexing a plurality of positions, in the communication data, respectively corresponding to the plurality of interruptions of recording (column 10, lines 28-50).

Regarding **claim(s) 13**, Sakata discloses a telephone terminal, wherein the telephone communication recording unit indexes the interrupted position by inserting predetermined data at the position of the communication data corresponding to the interruption (column 10, lines 28-50).

Regarding **claim(s) 14**, Sakata discloses a telephone terminal, wherein the interruption controller is capable of measuring a duration of the interruption of the recording of the telephone communication, the duration of the interruption being added to the predetermined data (column 10, lines 28-50).

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Regarding **claim(s) 15**, Sakata discloses a telephone terminal, wherein the replaying unit notifies the duration of the interruption in accordance with the predetermined data (column 9, lines 1-15).

Regarding **claim(s) 16**, Sakata discloses a telephone terminal, wherein the replaying unit notifies the duration as a voice message (column 9, lines 1-15).

Regarding **claim(s) 17**, Sakata discloses a telephone terminal, wherein the replaying unit executes different operations based on the duration of the interruption (column 10, lines 28-50).

Regarding **claim(s) 18**, Sakata discloses a telephone terminal, wherein the replaying unit notifies the duration only when the duration is longer than a predetermined period (column 10, lines 28-50).

Regarding **claim(s) 19**, Sakata discloses a telephone terminal, wherein the replaying unit does not notify the duration when the duration is equal to a predetermined period or shorter (column 10, lines 28-50).

Regarding **claim(s) 20**, Sakata discloses a telephone terminal, wherein a quantity of the predetermined data is less than a quantity of data which would be

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generated if the communication data is kept recorded during a duration of the interruption.

Regarding **claim(s) 21**, Sakata discloses a telephone terminal, wherein the predetermined data includes voice data representing a predetermined message (column 9, lines 25-31).

Regarding **claim(s) 22**, Sakata discloses a telephone terminal, wherein the interruption controller is capable of measuring a duration of the interruption of the recording of the telephone communication, the predetermined message including a vocalized duration of the interruption (column 10, lines 28-50).

Regarding **claim(s) 23**, Sakata discloses a telephone terminal, wherein the predetermined data includes silent data (column 9, lines 54-65).

Regarding **claim(s) 24**, Sakata discloses a telephone terminal, wherein the predetermined data includes audio data representing a predetermined audio sound (column 9, lines 54-65).

Regarding **claim(s) 25**, Sakata discloses a telephone terminal, wherein the replaying unit outputs a predetermined sound at the indexed position of the communication data (column 10, lines 28-50).

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Regarding **claim(s) 26**, Sakata discloses a telephone terminal, wherein the replaying unit outputs a predetermined message at the indexed position of the communication data (column 10, lines 28-50).

Regarding **claim(s) 27**, Sakata discloses a telephone terminal, further comprising a data processor that applies a fade-out effect to part of the communication data immediately before the indexed position (column 10, lines 28-50).

Regarding **claim(s) 28**, Sakata discloses a telephone terminal, further comprising a data processor that applies a fade-in effect to part of the communication data immediately after the indexed position (column 10, lines 28-50).

Regarding **claim(s) 29**, Sakata discloses a telephone terminal, wherein the telephone communication recording unit starts recording the telephone communication in response to a predetermined operation by a user (column 9, lines 33-53).

Regarding **claim(s) 30**, Sakata discloses a telephone terminal, wherein the predetermined operation is an operation of a predetermined operable member provided to the telephone terminal (column 9, lines 33-53).

Regarding **claim(s) 31**, Sakata discloses a telephone terminal, wherein the predetermined operation is an off-hook operation (column 10, lines 28-50).

Regarding **claim(s) 32**, Sakata discloses a telephone terminal, wherein the telephone communication recording unit finishes recording the telephone communication in response to a predetermined operation by a user (column 10, lines 28-50).

Regarding **claim(s) 33**, Sakata discloses a telephone terminal, wherein the predetermined operation is an on-hook operation (column 10, lines 28-50).

Regarding **claim(s) 34, 51 and 52**, Sakata discloses a telephone terminal having a function of telephone communication (column 1, lines 46-58), comprising:

a communication recording unit that records the telephone communication as communication data (column 8, lines 38-60);

an interruption controller that controls the communication recording unit to interrupt and to restart recording the telephone communication, the communication recording unit indexing a position of the communication data corresponding to the interruption of recording (column 10, lines 28-50);

a data controller that controls the communication recording unit to apply a predetermined operation to the communication data in accordance with the indexed position (column 10, lines 28-50); and

a replaying unit that replays the telephone communication data (column 9, lines 54-65).

Allowable Subject Matter

3. **Claim(s) 42-50** are allowed.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/
Primary Examiner
Art Unit 2614

/GG/
August 28, 2007